

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the  
Disciplinary Action of the  
Educator Certificate of  
Barbara Lee  
Certificate 289244

**ORDER OF SUSPENSION  
(BREACH OF CONTRACT)**

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on February 8, 2022. On November 1, 2021, the South Carolina Department of Education (SCDE) sent Barbara Lee notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. The regular mail has not been returned and the SCDE has verified Ms. Lee's address. On January 6, 2022, the SCDE sent Ms. Lee notice that the action against her certification would be presented to the State Board on February 8, 2022. Ms. Lee has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Lee's educator certificate for a period of one year, commencing February 8, 2022, and ending on February 7, 2023.

**FINDINGS OF FACT**

This case concerns a formal complaint of Spartanburg County School District Five (District) seeking the suspension of the educator certificate of Ms. Lee for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann. § 59-25-530 (2018).

On June 29, 2021, Ms. Lee signed a contractual agreement with the District to serve as a teacher for the 2021-22 school year. On October 8, 2021, Ms. Lee submitted her resignation to the District, effective October 22, 2021. On October 11, 2021, Ms. Lee met with her principal, who notified Ms. Lee of the possible consequences of breaching her contract. The District informed Ms. Lee she would not be released from her contract until a suitable replacement was found. On October 25, 2021, the District Board of Trustees voted to report Ms. Lee's breach of contract to the SCDE.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Lee breached her contract with the District, and that just cause exists to suspend Ms. Lee's certificate 289244 for a period of one year, commencing on February 8, 2022 and ending on February 7, 2023.

#### **CONCLUSIONS OF LAW**

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." Just cause includes, *inter alia*, "unprofessional conduct" and "willful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (3) and (4) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2018), the State Board of Education had the legal authority to suspend a certificate for "failure to comply with the provision of a contract without the written consent of the local school board." With respect to breach of contract, "any teacher who fails to comply with the provisions of his [or her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S. C. Code Ann. § 59-25-530 (2018). "Upon formal complaint of the school board, substantiated by conclusive evidence, the state board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year." *Id.*

The State Board finds that the evidence presented demonstrates that Ms. Lee breached her contract without the consent and/or approval of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Barbara Lee for a period of one year, commencing on February 8, 2022, and ending on February 7, 2023.

If Ms. Lee wishes to have her educator certificate reinstated at the end of the suspension period, she shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Lee shall also pay the applicable reinstatement fee. The suspension of Ms. Lee educator certificate 289244 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order, with the

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reason stated as “unprofessional conduct, breach of contract, willful neglect of duty, and failure to comply with the provisions of a contract without the written consent of the local school board.”

**AND IT IS SO ORDERED.**

South Carolina State Board of Education

s/Alan Walters  
Alan Walters, Chair

Columbia, South Carolina  
February 8, 2022